

Legislative (1895) Department.

ORDINARY PRINTED.

G.O., No 105

Dated 22nd Oct. 1895

617

[Despatch Abstract.]

BILL TO AMEND ACT IV OF 1884 (THE MADRAS DISTRICT MUNICIPALITIES
ACT).

Communicating to the Legislative Council letter from M.R.Ry.
P.R.Venkatasulu Nayudu, Municipal Councillor, Madura, suggesting
certain additions ^{to} and alterations in the --.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Read the following paper on
Madura, October 15, 1895.

From

P. B. Venkatesalu Naidu,

Municipal Councillor,

Madura.

Through

The Chairman,

Municipal Council,

Madura.

To

The Chief Secretary

to the Government of Madras,

Fort Saint George.

SIR,

Having gone through the provisions of the Bill to amend the Municipal Act IV of 1884, I venture to offer the following observations on some of the points which I thought worth noticing so that, when the Bill comes on for discussion before it is passed into law, they may be considered in all their different aspects.

2. Before proceeding any further, I wish to point out that the scope of the Bill is defective in as much as it has not made any provision for the accommodation and treatment of sick animals which have, I believe, some claim upon Municipalities established under a civilised Government, nor has it invested the Municipal Councils with any freedom of action, tho' within a limited extent, to relieve the sufferings of the dumb creation in real cases of necessity. In my humble opinion, some such salutary provision or other in the direction indicated is indispensably necessary.

3. The definition of "Street" in the proposed amended Bill is not clear. Both in suits brought by private persons to establish their alleged right to Peramboke lands situate within the limits of the Municipality in which the Municipality is made the Defendant, as also in suits brought by the Municipality to eject persons who encroach upon such lands, the difficulty very often arises to establish the right of the Municipality to those lands. The Municipality, instead of the Government, is made a party in such cases, apparently because such lands, situate as they are within the Municipal limits, have become vested in the Municipality. The definition now proposed makes the matter more ambiguous by making the street to extend as far as "Peramboke lands reserved for other purposes" It is therefore advisable to make the definition of street, cover also the cases abovementioned.

4. The definition of relatives seems to be too far reaching to affect the case of several persons who might be otherwise qualified to be Municipal Councillors, but for the restriction in sec. 10 A (2).

5. Sec. 10 A (2) aims at the root of the principle underlying local self Government, and fetters the discretion of the electors who know their interests best. A statutory provision of this nature seems to be evidently uncalled for and unsuited to the spirit and intelligence of the age. I understand that the honorable members of both Houses of Parliament, who wield the destiny of the British Empire, are not at all subject to the disqualification above referred to; and unless therefore special reasons are shown for the necessity of this provision, its retention is highly objectionable on principle and unfair to the claims of the people of India to a share in the administration of their affairs.

6. 10 B is a very dangerous weapon in the hands of litigious and discontented persons which India unfortunately now abounds in. It will afford fat feeding to lawyers instead of doing any good expected of it. I believe even in countries which are by far a head of India in learning and civilization, such a penal provision does not find a place in statute books, and I fail to see any necessity for the same here.

7. Sec. 19 Clause 4 indirectly arms local officers with arbitrary and unlimited powers, as it is only in their reports the Government must necessarily confide to determine the circumstances therein adverted to. If this obnoxious provision be allowed to stand, it will lay the Municipal Corporation at the sweet will and mercy of the local authorities, besides being a standing monument of disgrace in the annals of the British legislation. Should however the Government deem fit to retain the provision, it should be safeguarded with a proviso allowing for an appeal to the High Court.

8. The powers and duties of the Chairman ought to be made a little more clear and specified. According to the system at present obtaining, individual councillors are at liberty to bring forward again any number of times a proposition which was once considered, and disposed of, and it is desirable in view to the efficient administration, and to the stability of the Municipal proceedings, that a reasonable limit should be placed over their right to do so.

9. Sec. 168. The Chairman should be authorized to stop any obstruction or encroachment over public drains or streets which is being made or intended to be made, till such time as the question is disposed once for all by the council.

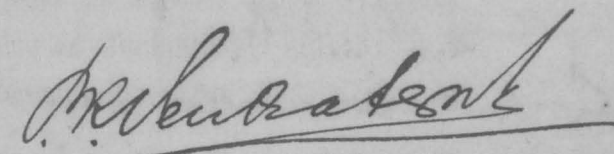
10. For the better sanitation of the town, the Sanitary Inspectors, who are in no way inferior in point of education, intelligence and position of life to the common run of constables, should at least be invested with powers to detain a person committing nuisance in their view or presence, so that he may be handed over to the police.

In Schedule A, the addition of the words "individual" before "Company" seems to be very desirable in the interests of the Municipal revenue as there are, I believe, some persons here and there carrying on dealings with a capital of a lac of Rupees and upwards.

I have the honor to be

Sir

Your most obedient servant,


Municipal Councillor.

The Committee on the subject of the proposed
 amendments to the Constitution of the State
 has the honor to acknowledge the receipt of
 your communication of the 10th inst. and in
 reply to inform you that the same have been
 forwarded to the proper authorities for their
 consideration.

CURRENT No. 4914

Submitted

R. H. H. H.

Chairman

15-10-95

Submitting the letter of the
 Municipal Council of the
 City of New York, dated
 September 10th, 1895, and
 suggesting some alterations and
 additions in the Bill to
 amend the Charter of the City of New York.

1895

October 15

The following is a list of the
 names of the members of the
 Committee on the subject of the
 proposed amendments to the
 Constitution of the State, who
 have been appointed by the
 Senate.

1895.

LOCAL AND MUNICIPAL
DEPARTMENT.

FROM

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

ENCLOSURE. nil.

Dated 15th October 1895.

Received 18

Repd 19

UNDER SECRETARY
18 OCT 1895
No. 69

SUBJECT.

Submitting the letter of the
Municipal Councillor Mr.
P.R. Venkatesalu Nayudha Pillai
suggesting some additions and
alterations in the Bill to
amend the Madras Act IV of
1884.

Why is this not put in the
legis. dept. 19/10

No. 105, LEGISLATIVE, 22ND OCTOBER 1895.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper:—

From M.R.Ry. P. R. VENKATESALU NAIDU, Municipal Councillor, Madura,
to the Chief Secretary to Government, dated Madura, 15th October 1895,
No. 69.

Having gone through the provisions of the Bill to amend the Municipal Act IV
of 1884, I venture to offer the following observations on some of the points which I
thought worth noticing, so that, when the Bill comes on for discussion before it is
passed into law, they may be considered in all their different aspects.

2. Before proceeding any further, I wish to point out that the scope of the Bill
is defective inasmuch as it has not made any provision for the accommodation and
treatment of sick animals which have, I believe, some claim upon municipalities
established under a civilised Government, nor has it invested the municipal councils
with any freedom of action, though within a limited extent, to relieve the sufferings
of the dumb creation in real cases of necessity. In my humble opinion, some such
salutary provision or other in the direction indicated is indispensably necessary.

3. The definition of "Street" in the proposed amended Bill is not clear. Both
in suits brought by private persons to establish their alleged right to poramboke
lands situate within the limits of the municipality in which the municipality is made
the defendant, as also in suits brought by the municipality to eject persons who
encroach upon such lands, the difficulty very often arises to establish the right of the
municipality to those lands. The municipality, instead of the Government, is made
a party in such cases, apparently because such lands, situate as they are within the
municipal limits, have become vested in the municipality. The definition now pro-
posed makes the matter more ambiguous by making the street to extend as far as
"poramboke lands reserved for other purposes." It is therefore advisable to make
the definition of "Street" cover also the cases above mentioned.

4. The definition of "Relatives" seems to be too far-reaching to affect the case
of several persons who might be otherwise qualified to be municipal councillors but
for the restriction in section 10-A (2).

5. Section 10-A (2) aims at the root of the principle underlying local self-
government, and fetters the discretion of the electors who know their interests best.
A statutory provision of this nature seems to be evidently uncalled for and unsuited
to the spirit and intelligence of the age. I understand that the Hon'ble Members
of both Houses of Parliament, who wield the destiny of the British Empire, are not at
all subject to the disqualification above referred to; and unless, therefore, special
reasons are shown for the necessity of this provision, its retention is highly objection-
able on principle and unfair to the claims of the people of India to a share in the
administration of their affairs.

6. 10-B is a very dangerous weapon in the hands of litigious and discontented
persons, which India unfortunately now abounds in. It will afford fat feeding to
lawyers instead of doing any good expected of it. I believe even in countries which
are by far ahead of India in learning and civilization, such a penal provision does not
find a place in statute books, and I fail to see any necessity for the same here.

7. Section 19, Clause 4, indirectly arms local officers with arbitrary and unlimited powers, as it is only in their reports the Government must necessarily confide to determine the circumstances therein adverted to. If this obnoxious provision be allowed to stand, it will lay the Municipal Corporation at the sweet will and mercy of the local authorities, besides being a standing monument of disgrace in the annals of the British legislation. Should, however, the Government deem fit to retain the provision, it should be safeguarded with a proviso allowing for an appeal to the High Court.

8. The powers and duties of the Chairman ought to be made a little more clear and specified. According to the system at present obtaining, individual councillors are at liberty to bring forward again any number of times a proposition which was once considered and disposed of, and it is desirable, in view to the efficient administration and to the stability of the municipal proceedings, that a reasonable limit should be placed over their right to do so.

9. Section 168.—The Chairman should be authorized to stop any obstruction or encroachment over public drains or streets which is being made or intended to be made, till such time as the question is disposed of once for all by the council.

10. For the better sanitation of the town, the Sanitary Inspectors, who are in no way inferior in point of education, intelligence and position of life to the common run of constables, should at least be invested with powers to detain a person committing nuisance in their view or presence, so that he may be handed over to the police.

In Schedule A, the addition of the words "individual" before "Company" seems to be very desirable in the interests of the municipal revenue as there are, I believe, some persons here and there carrying on dealings with a capital of a lakh of rupees and upwards.

Submitted.

15th October 1895.

(Signed) R. FISCHER,
Chairman.

ORDER—No. 105, Legislative, dated 22nd October 1895.

Communicated to the Legislative Council.

(True Extract.)

Ag. Under Secretary.

To The Honble Member of the Legislative Council

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Submitted.

(Signed) R. FISCHER,
Chairman.

15th October 1895.

ORDER—No. 105, Legislative, dated 22nd October 1895.
Communicated to the Legislative Council.

(True Extract.)

Ag. Under Secretary.

Gobt. of {1895} Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., No. 105, 22nd October 1895.

OCTOBER.

Bill to amend Act IV of 1884
(The Madras District Municipalities
Act).

Communicating to the Legislative Council
letter from M.R. Ry. P. R. Venkatesalu Naidu
Garu, Municipal Councillor, Madura, suggesting
some additions and alterations in the —.

ORDER AGAIN ORDER OF GOVERNMENT, DATED
No.

5/

FORWARDED BY, No.

CURRENT No.

STATEMENT WITH DITTO.

ORDER, No., OF GOVERNMENT—A.

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ORDINARY, PRINTED.

Legre. DEPARTMENT.
G.O., DATED 22-10-95
No. 105

INDEXED.

First copy sent to Press. 22/10.

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[Despatch Abstract.]

Will be annexed act to 1888
The Madras Municipalities
act). Comg to the degree
Council letter from M.R.R.
Sh. Venkatesulu Nayudu
from. Municip. Councilor, Madras.
Suggesting some additions &
alterations in the Bill.

Abstract
taken next

First copy sent to Press.

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Despatched in print.

READ AGAIN G.O., No.
189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

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